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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,242	02/18/2004	Bernd J. Mathiske	SUN1P869/SUN040281	5223
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DORSEY & WHITNEY, LLP INTELLECTUAL PROPERTY DEPARTMENT 370 SEVENTEENTH STREET SUITE 4700 DENVER, CO 80202-5647			EXAMINER ZHE, MENG YAO	
			ART UNIT 2195	PAPER NUMBER
			MAIL DATE 10/10/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/782,242

Applicant(s)

MATHISKE ET AL.

Examiner

MengYao Zhe

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 2/18/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/31/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-22 are presented for examination.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 12-14 and 18-19 are rejected under 35 U.S.C. 101 because the claimed invention are directed to system claim, but appearing to be comprised of software alone without claiming associated computer hardware required for execution (i.e. a claim 1 recited resource manager is a software comprising a plurality of means, wherein the plurality of means also a software entities. Thus it is a software program/application that comprising software modules to performed a certain functions). The following link on the World Wide Web is for the United States Patent And Trademark Office (USPTO) policy on 35 U.S.C. §101.

[http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101\\_20051026.pdf](http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf)

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The following claims lack antecedent bases:

i) "said manipulating" – Claim 5, line 1

i) "the user" – Claim 10, line 2

ii) "said foreground task" – Claim 18, line 7

b. The following claim languages are unclear and indefinite:

i) Claim 1, line 1, it is unclear what is meant by "native events" <i.e. how are native events different from events?>.

It is not clearly understood why the step of "selecting, by said virtual machine, one of said first and second tasks as a selected task for receiving said native event" in lines 6-7 is performed when it is the virtual machine that processes "said native event on behalf of said task" in line 10 <i.e. if the task is receiving the event, why is it the virtual machine that gets to process the event? If it is not the task itself that processes the event, then what does it do with its received event?>.

Claims 12, 15, and 20 have the same deficiencies as claim 1 above.

- ii) Claim 2, line 3, it is unclear if “an event-repository” and “an event-handler” belong to the “virtual machine” in line 1 of claim 1.

It is unclear how “an event handler” in line 3 is related to “said task” in line 10 of claim 1 <i.e. does the task contain this event handler? Or is the even handler a separate entity that nonetheless resides in the virtual machine>.

Claims 13 and 14 have the same deficiencies as claim 2 above.

- iii) Claim 3, line 6, it is unclear if “an event-manger thread” belongs to the “virtual machine” in line 6 of claim 1.
- iv) Claim 4, line 3, it unclear what is meant by “native event to be Java compliant” <i.e. does it mean that the native event is written in the Java language?>.
- v) Claim 6, it is unclear what is meant by “java compliant MIDlet” <i.e. what does MIDlet stand for? What is it?>.

Claims 7, 17, 19, and 22 have the same deficiencies as claim 6 above.

- vi) Claim 7, it is uncertain as to what is meant by “a portion of a Java compliant MIDlet” <i.e. how is a task that is a Java compliant MIDlet different from a task is a portion of a Java compliant MIDlet?>

vii) Claim 9, line 4, it is unclear what "a foreground task" is <i.e. what is the task a foreground of? Is there a screen or a display?>.

Claims 10, 15, 19 have the same deficiencies as claim 9 above.

viii) Claims 11 and 16, it is unclear what is meant by "first platform includes a mobile device" <i.e. the platform is purely software, so how can a software contain a piece of hardware? Does the applicant mean that the platform is used on a mobile device?>.

ix) Claim 18, line 1, it is uncertain as to what is meant by "a virtual machine capable of processing native events" <i.e. is it able to process it or not? If it is able to process it, then a different word other than capable should be used.>

lines 5-6, it is unclear what is meant by "determine which one of said first and second tasks is the task displayed" <i.e. why would the task be displayed?>. Furthermore, it is unclear what this determination step has to do with the other steps <i.e. what does determine which task is displayed have to do with receiving events and processing foreground tasks? Does the applicant mean to say determine which tasks needs to receive the event?>.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7, 12-14, 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moor et al., Patent No. 7,171,663 (hereafter Moor) in view of Yoshii et al., Patent No. 6, 711,620 (hereafter Yoshii).

7. As per claims 1, 12, and 20, Moor teaches substantially a method of processing native events by a virtual machine (Fig 1, unit 140) that operates on a first platform, wherein said virtual machine concurrently supports a first and a second task, said method comprising:

receiving, by a virtual machine, a native event that is associated with a first platform (Column 5, lines 5-7);

one of said first and second tasks responds to the native event, wherein said responding is performed when said first and second tasks are concurrently supported by said virtual machine (Column 4, lines 43-67);

processing said native event (Column 6, lines 34-35).

Moor does not teach specifically that the virtual machine can select one of said first and second tasks as a selected task for receiving said native event.

However, Yoshii teaches selecting, by a event control device in a processor, one of said first and second tasks as a selected task for receiving said native event, wherein said selection is performed when said first and second tasks are concurrently supported by said processor for the purpose of selecting the correct task to receive an event that it is intended for (Column 1, lines 50-61).

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention to combine the inventions of Moor, where the task itself in the virtual machine has to respond to the native event, with using the event control device in the virtual machine so that the event control device may select which task is to process the event, as taught by Yoshii, because it allows for the selection of the correct task to receive an event that it is intended for.

8. As per claims 2, 13, and 14, Moor teaches wherein said method further comprises: providing an event-repository (Column 5, lines 18-22) and an event-handler for said selected task (Column 4, lines 43-44); and placing said native event in said event-repository; invoking said event-handler to initiate processing of said native event; and processing, by said event-handler, said native event (Column 4, lines 64-67; Column 5, lines 2-7, lines 19-22; Column 6, lines 34-35).



9. As per claim 3, Moor in view of Yoshii substantially teaches wherein said event-handler is implemented as an event-handler thread (Moor: Column 5, lines 32-39, lines 46-50), and wherein said selection is performed by an event-manager thread (Moor: Column 1, lines 50-60).

Moor in view of Yoshii does not specifically teach wherein said event-repository is implemented as a first-in first-out queue.

However it would have been obvious to use a first-in-first-out queue to implement said event-repository since it is obvious to one having ordinary skill in the art of tasks and events queuing to use a first-in-first-out queue to store and sequence events so that they may be processed in an orderly manner.

10. As per claim 4, Moor teaches wherein said method further comprises: manipulating said native event to be Java compliant (Column 1, lines 28-29).

11. As per claim 5, Moor teaches wherein said manipulating of said native event is performed by said virtual machine (Column 2, lines 45-47).

12. As per claims 6 and 22, Moor teaches wherein said selected task is a Java compliant MIDlet (Column 1, lines 28-29).

13. As per claim 7, Moor teaches wherein said selected task is a portion of a Java compliant MIDlet (Column 1, lines 28-29).

14. As per claim 21, Moor teaches wherein said manipulating comprises:  
representing said native event in a form that is accessible by said selected task  
(Column 6, lines 33-35).

15. Claims 8-11 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moor et al., Patent No. 7,171,663 (hereafter Moor) in view of Yoshii et al., Patent No. 6,711,620 (hereafter Yoshii) further in view of Gershman et al., Patent No. 6,199,099 (hereafter Gershman).

16. As per claim 8, Moor in view of Yoshii does not specifically teach a foreground task.

However, Gershman teaches a mobile system that has task running in the foreground for the purpose of interacting with a user for performing various tasks (Column 2, lines 14-17).

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention to combine the teachings of Moor in view of Yoshii, where virtual machine may select which task is to receive its intended event, with the specifics of the task has to be a foreground task, as taught by Gershman, such that in the case that an event is for a foreground task, this task may be properly selected by the virtual machine to receive the event, because it allows the interaction with a user for performing various tasks.

17. As per claims 9 and 17, Moor teaches wherein said selected task is a Java compliant MIDlet (Moor: Column 1, lines 28-29). Moor in view of Yoshii further in view of Gershman teaches wherein said selection comprises: selecting a foreground task when said selection is made (Gershman: Column 2, lines 14-17).

18. As per claims 10 and 15, Gershman teaches wherein said selecting said foreground tasks comprises: selecting a task that is displayed for the user (Fig 19, units 1900, 1997; Column 2, lines 56-57; Column 4, lines 35-37).

19. As per claims 11 and 16, Gershman teaches wherein said first platform includes a mobile device (Column 1, lines 20-25).

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20. As per claim 18, Moor in view of Yoshii substantially teaches a method of processing native events by a virtual machine that operates on a first platform, wherein said virtual machine concurrently supports a first and a second task on said first platform, said method comprising: receiving, by a virtual machine, a native event that is associated with a first platform; determining, by said virtual machine, which one of said first and second tasks is to receive the event, and processing, by the selected task, said native event (Please see claim 1 rejection).

Gershman teaches the specifics of the task selected has to be a foreground task and determine which one of said first and second tasks is the task displayed (Fig 19, units 1900, 1997; Column 2, lines 56-57; Column 4, lines 35-37).

21. As per claim 19, Gershman teaches wherein said virtual machine operates on a mobile device and wherein the task is a foreground task (Column 2, lines 14-17). Moor teaches wherein the task is a Java complaint MIDlet (Column 1, lines 28-29).

### ***Conclusion***

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MengYao Zhe whose telephone number is 571-272-6946. The examiner can normally be reached on Monday Through Friday, 7:30 - 5:00 EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached at 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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